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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,656	12/19/2003	Norman John Humiston JR.	HUMI-3000	3827

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EXAMINER

SHAW, ELIZABETH ANNE

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/741,656

Applicant(s)

HUMISTON, NORMAN JOHN

Examiner

Elizabeth A. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 15-17, 21-24, 28- 32 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-14, 18-20 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-9, 15-17, 21-24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labart et al (3,733,530). Labart et al show a remote controlled bucking system comprising a remote controlled bucking strap 10 and a hand strap (unnumbered), see fig. 1. The bucking strap 10 further comprising a releasing system 20 having a base 21 fastened at a first end of the bucking strap 10, a battery 80 and a remote control signal receiver R. The strap 10 further comprising a first connector end 13 attached within the base 21 through aperture 28 and a second connector end 11 affixed to the second end of the strap 10 wherein the second connector 11 is releasably connectable to the first connector end 13 and having a manual release strap 12. A remote controller/transmitter T, having a release button (unnumbered) is used to trigger the remote controlled strap 10. With respect to claims 1 and 21, to make the hand strap of Labart et al remote controlled would have been obvious to one skilled in the art in order to allow the rider to be quickly removed from the animal.

Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labart et al in view of Younger (5,771,668). Younger shows a remote controlled hand strap 14 with a remote controller/transmitter 24 having a release button

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(unnumbered). With respect to claim 29, to use the hand strap on Younger with the strap of Labart et al would have been obvious to one skilled in the art in order to allow the rider to be quickly removed from the animal. With respect to claim 32, it would have been obvious to one skilled in the art to use the release buttons of Labart et al and Younger at a specific time or as an emergency.

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labart et al in view of Records et al (6,352,053). Records et al shows a remote controlled strap 56 having a remote controller 14 comprising a timer, see col. 2, lines 59-67. With respect to claims 30 and 31, to use the timer of Records et al with the strap of Labart et al would have been obvious to one skilled in the art in order to train the animal or to prevent the animal from injury after a required time period during a rodeo has elapsed.

Allowable Subject Matter

Claims 4-6, 10-14, 18-20 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference are: Ettinger et al (5,949,339), Rhodes (6,164,048), Tillman (6,578,885) and Dunton et al (6,640,524).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 10:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw
Examiner
Art Unit 3644

August 2, 2005



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER